

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**BERNARD NELSON**

**Plaintiff,**

**v.**

**TRAVIS MEEKS, et al.**

**Defendants.**

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**No. 3:10-0254**

**Judge Echols**

**ORDER**

The plaintiff is an inmate at the Montgomery County Jail in Clarksville, Tennessee. In March, 2010, he submitted a § 1983 civil rights complaint and an application to proceed in forma pauperis (Docket Entry No. 1).

The plaintiff had, on at least five prior occasions, filed actions in federal court which were dismissed for being either frivolous or for failure to state a claim. Because there was no suggestion of any imminent danger of serious physical injury, plaintiff's application to proceed in forma pauperis was denied. 28 U.S.C. § 1915(g).

In an Order (Docket Entry No. 5) entered March 23, 2010, the plaintiff was granted thirty (30) days in which to pay the full filing fee of three hundred fifty dollars (\$350.00). He was forewarned that, in the event he failed to pay the filing fee, it would be assessed against him and collected from his inmate trust account. In re Alea, 286 F.3d 378, 382 (6<sup>th</sup> Cir. 2002).

The thirty-day period has expired and the plaintiff has not yet complied with the instructions of the Court by paying the filing fee. Accordingly, the plaintiff is herewith ASSESSED the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's

inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; **or**

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby DISMISSED for failure to comply with the instructions of the Court and for want of prosecution. Rule 41(b), Fed. R. Civ. P. The Clerk is directed to send a copy of this Order to the Sheriff of Montgomery County to insure that the custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this Order shall constitute the final judgment in this case.

It is so ORDERED.



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Robert L. Echols  
United States District Judge